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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,499	04/08/2004	Samuel R. Mollet	74HN-147322 (GETS 5328)	9091
321	7590	03/07/2006	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			LE, MARK T	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/820,499	Applicant(s) MOLLET ET AL.	
	Examiner Mark T. Le	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-17 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 9-11, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of Species I, claims 1-23, in the reply filed on January 20, 2006 is acknowledged.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 12, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al (US 5,441,223).

Young discloses a remote control system having all the features as recited in the instant claims, including central controller 14, transmitter 56, remote equipment controller 30, and wayside equipments 32, 34.

Regarding the instant claimed components being used as a retrofit kit, note that since the corresponding components of Young are inherently capable of be used to retrofit an existing track system, the instant claimed intended use limitation is considered met.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al (US 5,441,223).

Young is applied above.

Regarding the instant claimed additional wayside equipment and equipment controller, as recited in instant claim 4, it is noted that Young shows, in Figure 1, only one equipment controller for controlling the wayside equipments at a location near the track layout. However, upon applying the teaching of Young to a large track layout, it would have been obvious to one skilled in the art to provide additional wayside equipments and equipment controllers to serve other locations of the large track layout.

Regarding instant claims 5-7, note that the processing and transmitting/receiving components in central controller 14 and in equipment controllers 30, of Young as modified, are readable as remote signal driver interfaces (RSDi), rf remote signal driver interface (rf RSDi), or cable remote signal driver interface (cable RSDi).

Regarding the instant claimed components being used as a retrofit kit, note that since the corresponding components of Young are inherently capable of be used to retrofit an existing track system, the instant claimed intended use limitation is considered met.

6. Claims 13-15 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al (US 5,441,223) in view of Ireland (US 6,220,552).

Young et al is applied above.

It is noted that Young's system is designed with a one-way communication capability to control trains and wayside equipments with no feedback information, and Ireland teaches an improvement over one-way communication capability by configuring the control system to provide bi-directional communication capabilities so as to allow trains and wayside equipments to feedback information about the trains and the wayside equipments (see the last paragraph, column 3 of Ireland).

In view of Ireland, it would have been obvious to one skilled in the art to modify the system of Young to include bi-directional communication capabilities for allowing the trains and the wayside equipments to feedback information, as suggested in Ireland, so as to enhance flexibilities and effectiveness in controlling the track layout. Note that the structure of Young, as modified with bidirectional communication capabilities, would obviously require the transmitters to be in the forms for transceivers for allowing bi-directional communications, and that the structure of Young, as modified to provide feedback information, would obviously require sensors or detectors generate the feedback information relating to the wayside equipments; therefore, it would have been

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obvious to one skilled in the art to provide transceivers along with suitable sensors or detectors, as required, in the modified structure of Young for allowing feeding back information from the trains and/or wayside equipments to enhance operational flexibilities and effectiveness.

Regarding the transmitters being in the form of rf transceiver, as recited in instant claims 21-23, note that the transmitter and receiver of Young are rf devices.

Accordingly, upon modifying the structure of Young, as described above, it would have been obvious to one skilled in the art to maintain the transmitters and receivers or transceivers of Young as rf devices so as to maintain compatibilities for proper operations.

7. Claims 18-19 and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should further consider the structures of Mollet.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (2:00-8:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Mark T. Le". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark T. Le
Primary Examiner
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mle
3/2/06